

Streets and Roadside Trading Policy



November 2010

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1. Introduction

Footpaths are public spaces traditionally designed for pedestrians. While intended to facilitate free and unobstructed access, footpaths have also developed popular alternative uses such as alfresco dining, advertising and the sale of merchandise.

Within Yarra Ranges, a burgeoning tourist trade has been stimulated by the growth of wineries, fine foods and the region's beautiful natural scenery. This trend has resulted in diverse footpath use throughout towns in the municipality.

The Council, as part of its commitment to developing sustainable communities, encourages and supports a vibrant and healthy street life, but must also be mindful of Federal disability laws. To balance potential conflict between pedestrian and other footpath uses, a Streets and Roadside Trading Policy has been developed to accommodate pedestrians, people with disabilities, trading, advertising, merchandise displays and kerbside dining. The objective of this policy is to provide a consistent framework within which these activities can operate, to maximise the pleasure and safety of all footpath users and to enhance the attractiveness and appeal of the streetscape.

Council supports public places being free of restrictions for everyone irrespective of social group, age, physical disability, ethnicity, economic circumstance or gender. Through its Vision 2020 Community Plan, Council has committed to partnering sustainable economic tourist development, drawing together community, business and Council interests. From this partnership activities have developed, which need to be managed in a clear and unambiguous manner.

This policy is intended to achieve that aim.

2. Policy principles

The following principles guide this policy:

Access

Unobstructed pedestrian access to footpaths for everyone, especially people with disabilities.

Appropriate clearances for parking and traffic.

Design

High quality furniture design and appearance.

Clean, attractive, functional trading and kerbside dining facilities.

Management

Complementary to the local business and residential amenity.

Well maintained and hygienic public space.

Minimal noise, interference or nuisance.

Compatible with low energy use and environmental sustainability policies.

Compliance

Providing information and policy guides for permit holders.

Ensuring traders are familiar with the requirements of Street and Roadside trading.

Maintaining a clear and straight forward compliance process.

3. To whom does the policy apply?

This policy applies to all individuals, businesses or organisations making commercial use of footpaths within Yarra Ranges. **Local Law permits** are required to display merchandise, exhibit portable advertising signs and conduct roadside trading.

4. Where does the policy apply?

Footpaths

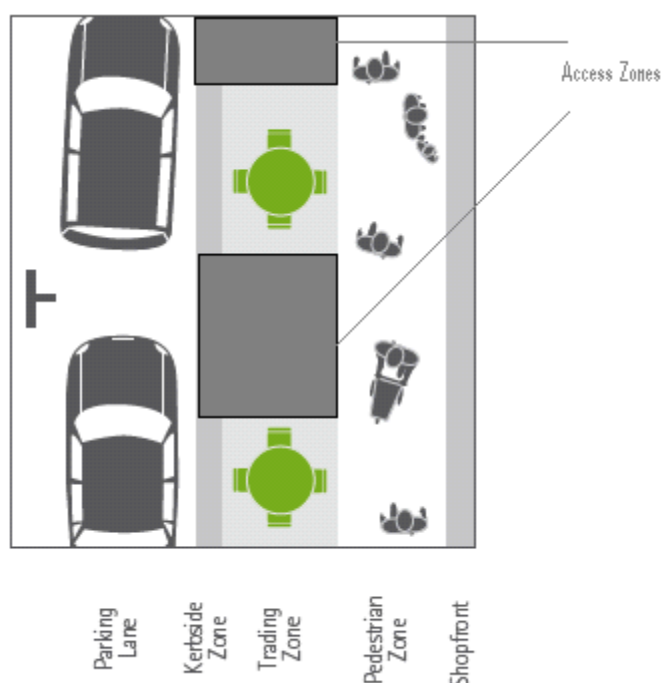
This policy applies most frequently to commercial or business activities conducted on or from footpaths.

Footpaths are divided into four zones to ensure uninterrupted pedestrian use and access. The *Trading Zone*, which accommodates trading, dining, merchandising and portable signs, must not only allow for clear, safe passage to and along the footpath or *Pedestrian Zone*, but should also enhance the streetscape.

The varying width of footpaths at different locations will mean that in some cases, certain activities may be prohibited.

The zones are: **Pedestrian Zone, Trading Zone, Kerb Zone and Access Zone.**

DIAGRAM 1: ZONE LAYOUT



Pedestrian Zone

This is the zone extending from the building line or shop front for a prescribed minimum distance towards the kerb. The **preferred minimum** distance is **1.8 metres**, which allows two wheelchairs to pass. Where footpaths are generous, the space reserved for the *Pedestrian Zone* may be increased.

The **absolute minimum** width for a *Pedestrian Zone* is **1.2 metres** where the overall footpath is narrow. This measurement is designed to accommodate a single wheelchair. In areas where this minimum standard applies, wheelchair passing bays measuring 600 mm x 1600 mm must be available every 6 metres.¹

No goods or furniture may be placed upon, or services delivered from a *Pedestrian Zone* at any time.

¹ **Standards Australia**, *Guide to Traffic Engineering Practice*, Austroads Publication No AP – 11.13/95, 1995.

Trading Zone

This is the zone where commercial activity is permitted on the footpath: it is the area between the *Pedestrian Zone* and *Kerb Zone*. A *Trading Zone* allows the placement of furniture, café tables, chairs, umbrellas, merchandise, advertising and disposal of goods and services. Kerbside dining will not be permitted where footpaths are less than **2.55 metres** wide overall.

Kerb Zone

The *Kerb Zone* is the area between the *Trading Zone* and gutter. The *Kerb Zone* should be a **minimum** width of **0.75 metres** from the back of the kerb to allow access to and from parked vehicles.

Where there is parking for people with disabilities, the *Kerb Zone* should be a minimum width of **1 metre**.

Trading is not permitted on the *Kerb Zone*, which must remain free of furniture at all times.

Access Zone

Access Zones enable pedestrians to move between the footpath and kerb. Where a kerbside dining area is established in the *Trading Zone* and extends for 12 metres or more, an access break of **1.4 metres** is required in the centre of that area. Irrespective of length, a kerbside dining area must have access zones of **0.5 metres** at either end, parallel to the boundary lines of adjoining properties and enabling access to those properties.

Australian Standards

Federal disabilities legislation adopts Australian Standards for footpath dimensions and construction. In *this* policy, and because of varied footpath widths in different townships around Yarra Ranges, the following measurements are critical to the lawful conduct of street and roadside trading.²

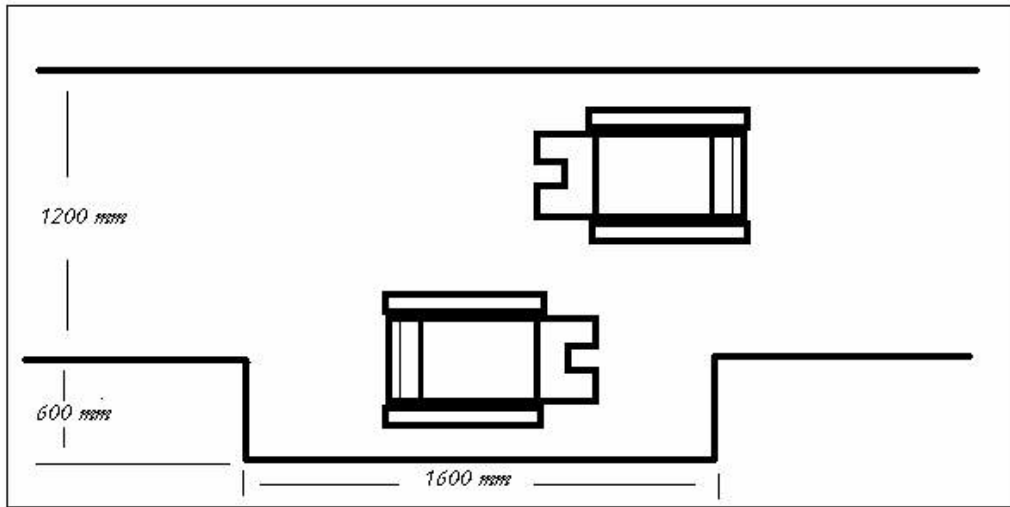
- People in wheelchairs require a clear width of 1200 mm.
- A clear space of 1500 mm is required for a wheelchair and pram to pass.
- A clear space of 1800 mm is required for two wheelchairs to pass.³

Where a *Pedestrian Zone* is only 1200 mm wide, passing spaces must be incorporated into the footpath design to enable wheelchairs to pass. Passing spaces are required every 6 metres and should be 600 mm wide x 1600 mm long.

² Note: the terms *clear space* or *clear width* in the context of this Policy have the same meaning as *Pedestrian Zone*.

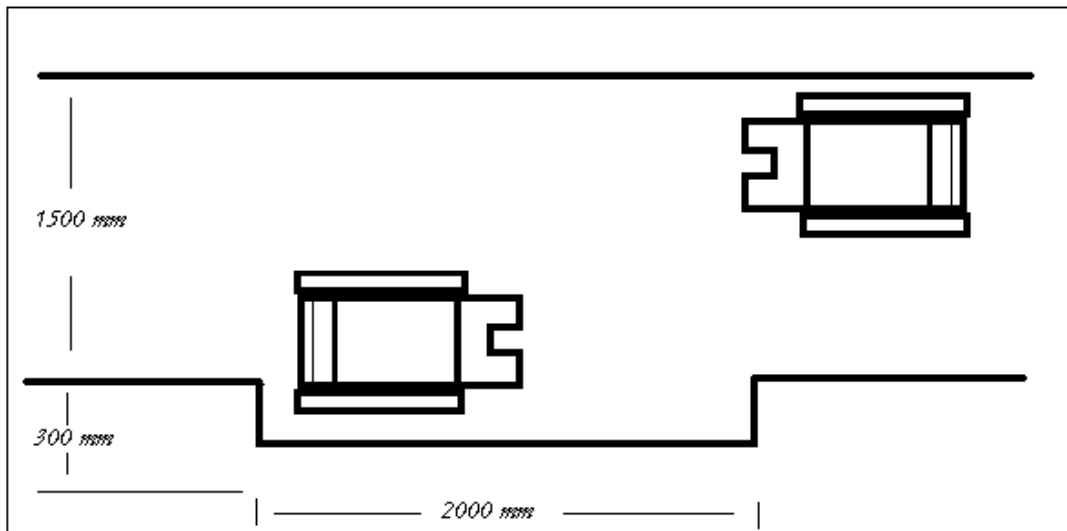
³ Australian Standard, 1428.2:– 1992 (6.5)

DIAGRAM 2: PASSING BAY PLACEMENT – MINIMUM FOOTPATH WIDTH



Where a *Pedestrian Zone* is only 1500 mm wide, passing spaces must be incorporated into the footpath design to enable wheelchairs to pass. Passing spaces are required every 6 metres and should be 300 mm wide x 2000 mm long.

DIAGRAM 3: PASSING BAY PLACEMENT – WIDER FOOTPATH



Public infrastructure

Good maintenance and cleanliness improve community perceptions about safety in public places. It is essential that public infrastructure is accessible for cleaning and repair. The following clearances apply to public infrastructure and street furniture:

- **2 metres** between the kerb edge and *Trading Zone* where there is a bus stop or public seating, or the roadway is a nominated highway without a service road.
- **1 metre** between the kerb edge and *Trading Zone* and around fire hydrants, litter bins, payphones, bicycle stands, parking meters and trees within a kerbside dining area.

- **5 metres** around bollards, tree pits, backs of seats and poles (light, traffic, electricity) or other street furniture.

Public infrastructure will not generally be relocated at the request of traders (an important consideration in site selection), however Council will consider written applications to remove and/or relocate infrastructure. Where these applications are approved, the cost of alteration/relocation will be borne by the applicant.

Access to services/utilities must not be impeded by the placement of permanent structures such as glass screens or umbrellas.

Caveat

In all cases, site requirements will be assessed on the basis of public safety and the amenity of the immediate area. Varied clearances or requirements **may** be stipulated in any Permit **for any form of trading**, including Kerbside Dining Permits.

For these reasons, traders must demonstrate a genuine need to engage in street trading where *Pedestrian Zones* are **1.2 or 1.5 metres**, and the trading area must be free of public infrastructure.

5. Trading categories

Merchandise

Goods exhibited or displayed on footpaths must be confined to the *Trading Zone* (see page 6) and not extend into either the *Pedestrian* or *Kerb Zones*. Displays shall be positioned in front of the premises to which the goods relate during business hours and must be removed from the footpath by close of business each day.

Merchandise is to be secured to avoid the risk of injury or damage to any person or property; displays must be neat and compact to enhance the streetscape. Displays cannot be fixed to any footpath, building asset, pole or other structure.

Access to and from shop premises shall be kept clear for pedestrians at all times. Displays of goods must not create, or contribute to, a traffic hazard by obstructing any motorist's view of intersections, traffic control signals or signs.

Merchandise signage is to be restricted to a description of the goods and prices. Moving, rotating, illuminated or reflective signs are prohibited.

Advertising signs

Advertising in this policy includes portable and real estate signs.

Portable signs

Generally known as **A-frames**, portable signs can only be placed within the *Trading Zone* and must not intrude onto either the *Pedestrian* or *Kerb Zone*. They are limited to 1.2 metres in height and 0.75 metres in width and are different from the real estate signs mentioned below.

Only **one** A-frame can be displayed in front of the premises to which it relates. Where a business in those premises has no street level frontage but wants to advertise using a portable sign, written permission must be provided by the owner and occupier of the business in front of whose premises the sign will be displayed. A-frames must be removed and stored at the close of daily business.

A-frames are to be soundly constructed, stable in the wind and securely anchored to approved anchor points. Sign writing shall be of a professional standard and maintained in good condition.

A-frames must not be fixed to any footpath, building asset, pole or other structure.

Real estate signs

Permits for real estate signs have a **maximum life** of three months. Real estate signs are permitted on road reserves or other Council land where they appear directly in front of the property to which they relate **and** would not be clearly visible to passers-by if located within the boundaries of the property they represent.

Unless a sign refers to a large rural property, only **one** real estate sign per frontage is allowed. Large rural properties may carry multiple signs provided they are a minimum of 300 metres apart.

Real estate signs are limited to 1.4 metres in height and 1.8 metres in width. They must be soundly constructed, securely attached to mounting posts sunk into the ground, bear professional sign writing and be maintained in good condition.

All real estate signs are to be removed within two days of selling or letting the property they represent.

Hazard avoidance

Portable signs and real estate signs must not:

- create a traffic hazard by obstructing any motorist's view of intersections, traffic signals or signs,
- be internally illuminated, reflective, animated or capable of being mistaken for a traffic sign,
- erected on median strips, roadways or roundabouts,

Additionally, portable signs must not:

- be attached to any tree, power pole or street furniture
- bear text which is obscene, offensive or misleading.

Banner Poles

This section refers to community banners on Council banner poles.

- Banners promoting local, non-commercial educational, cultural, political, religious, social or recreational events or services within the municipality may be displayed, with a permit, on Council banner poles throughout the municipality.
- Banners erected on the poles must have maximum dimensions of 1.0 metre by 2.7 metres and minimum dimensions of 1.0 metre by 2.0 metres.
- Each organisation shall be limited to one banner at each set of banner poles.
- Banners may contain sponsorship information not exceeding 25 per cent of the banner but must not include any cigarette, alcohol or gambling information or advertising.
- Any permit issued for a banner displayed on banner poles shall be for a maximum period of two weeks only, with the permit period extending from 9am Monday to 6pm Sunday.
- The permit holder is responsible for installing and dismantling the banner which must be removed by 6pm Sunday at the end of the permit period.
- Banners erected on banner poles must be securely fixed in place and maintained in good order during the display period.

Roadside trading

Roadside trading enables the sale of goods or services to people from and in public places. It includes street stalls, sausage sizzles and kerbside dining.

A local law permit to conduct roadside trading is not required by anyone who has a current lease or licence of the land where the trading occurs. However, a planning permit may be required in such circumstances. It is therefore recommended that a trader consult Council's Planning Services Department for clarification and to ensure that relevant approvals are obtained.

Roadside trading on footpaths

Merchandise may be sold on footpaths, roadside laybys or rest areas from vehicles, stalls or other structures. Goods, and the equipment used to facilitate sales - tables, shelves, racks or barrows - must be confined to the *Trading Zone* directly in front of the premises to which they relate when sales are conducted on **footpaths**.

Sales and service will be permitted during normal trading hours and any equipment used is to be removed from the footpath and stored by close of business each day. Equipment is not to encroach upon the *Pedestrian* or *Kerbside Zones* at any time. Pedestrian access to shopping premises must remain clear at all times.

Equipment or aids used in roadside trading must be soundly constructed, complementary to the streetscape, able to withstand wind and securely anchored to avoid the risk of injury or damage to any person or building. Neither the equipment nor merchandise may cause, or contribute to, a traffic hazard by obstructing the vision of motorists at or near intersections, traffic control signals or signs.

Roadside trading in other areas

Where trading occurs in a **roadside lay-by, rest area** or other **Council land**, two A-frames are permitted to advertise goods and display prices. These signs may be erected at the entrance and exit of the lay-by and must not impede traffic or create a hazard. In deciding whether to grant permits for this form of roadside trading, the general location, safety of road users, visual amenity, litter control and nature of the vehicle, stall or other structure will be considered.

Trading from a lay-by or rest area must not, of itself, cause or contribute to any traffic risk likely to result in injury or damage to any person or property. Business conducted from a roadside lay-by or rest area will be permitted between sunrise and sunset. Any equipment or vehicle/s used to facilitate trading in such areas must be removed by sunset.

Street stalls

Street stalls include the activities of community and/or charity groups engaged in fundraising. Street stalls may be for cakes, sausage sizzles, fruit or promotions or goods unrelated to food.

Street stalls and any other form of street or roadside trading established to prepare, handle, store, serve or sell food must be covered by a current *Certificate of Registration for Temporary Food Premises or Stall*, a copy of which is to accompany the local law permit application. Certificates are limited to the **one event** on the date and location specified.

A *Certificate of Registration for Temporary Food Premises or Stall* can be obtained by making application to the Council's Public Health Services team together with payment of the required fee. Application forms are available at Council's Community Links or by contacting Council's Public Health Services team on 9294 6415 or find an application form on Council's website: www.yarraranges.vic.gov.au.

Street stalls, unless conducted on private land, are usually confined to designated areas.

Community groups or charities:⁴

- cannot have more than two bookings per venue per month
- cannot have more than four bookings per year
- will require a permit to conduct the stall
- are exempt from application and permit fees
- must confine their stalls to *Trading Zones* and not obstruct the *Pedestrian or Kerb Zones*
- must not display stall advertising on road reserves, roundabouts, traffic islands, trees, power or sign poles
- must have current Public Liability Insurance.

Kerbside dining

This is a type of roadside trading where outdoor eating amenities are provided in public spaces, normally footpaths, adjacent to an established or associated café, restaurant or bar (hereafter the principal business).

Established within a *Trading Zone*, the minimum practical depth for a kerbside dining area is usually **1.0 metre**, a space that will accommodate a table and two chairs set parallel to the principal business.

In places where the width of *pedestrian zones* is **1.2 metres** only, furniture may be designed and constructed to accommodate kerbside dining **provided** that the Australian Standard measurement for wheel chair passing bays **and** the standard **0.75 metre Kerb Zone** can also be accommodated.

In all areas where the *clear space* for pedestrians, wheelchairs and prams is **1.2 metres**, approval for a kerbside dining facility will be governed by the following:

- the capacity for and inclusion of wheel chair passing bays (600 mm x 1600 mm) along every 6 metres of footpath,
- preservation of the standard kerb zone of 0.75 metres, and
- the absence of any public infrastructure (signs, hydrants, bollards, etc.) in the proposed kerbside dining facility and any wheelchair passing bay.

A permit to conduct kerbside dining will authorise the use of:

- advertising
- tables and chairs
- windbreaks
- umbrellas
- heaters
- planters

and will be known as a Roadside (Kerbside Dining) Trading Permit.

⁴ **Charitable organisation** means any society or association of persons, the funds of which are obtained in whole or in part by voluntary contributions, public subscriptions or through donations as a result of public appeals and which has as its objective or among its objectives the affording of charitable relief to those in need or to the welfare of, or provision of assistance to youth. (*Section 3, Streets & Roads Local Law, 2005.*)

6. Kerbside Dining layout

Adjoining trading zones

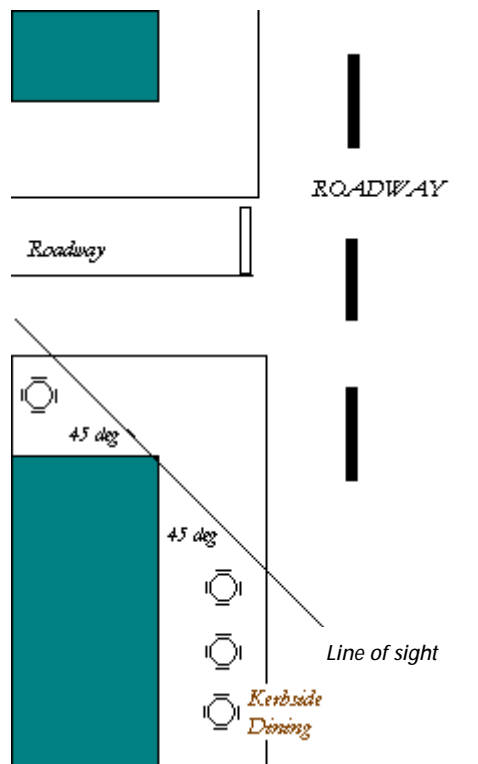
Authorised *Trading Zones* permit the use of tables, chairs, sale of goods or delivery of services. A *Trading Zone* from adjoining premises may be used to extend the size of a Kerbside Dining area with written permission from the owner *and* occupier of those premises; the additional space must be covered by Public Liability insurance.

When a Roadside (Kerbside Dining) Trading permit is renewed, fresh consent for the continued use of adjoining public space and confirmation of continuing Public Liability Insurance is required.

Intersections

Roadside trading facilities near intersections *must* be set back from the building corner to allow clear visibility for turning vehicles. The minimum setback shall be determined by *line of sight* across the corner of the building at an angle of 45 degrees. The result should establish a clearance distance between the edge of the *Trading Zone* and corner of the building varying between **1 – 3 metres**.

DIAGRAM 4: VISUAL CLEARANCE AT INTERSECTIONS



Ground surface and fixtures

The ground surface of a kerbside dining area must be suitably constructed and sufficiently level to safely support the use of equipment and people.

Any footpath fixtures required in a kerbside dining area must have a Road Reserve Works Permit which can be obtained from Council's Community Links.

Furniture

Kerbside dining furniture should both complement and enhance the existing urban/rural character. It should be unobtrusive, durable, attractive and made of high quality materials; it should also be of sufficiently contrasting colour to assist people

with a visual impairment. Furniture made of recycled material is encouraged. In all circumstances furniture must be approved by the Council before use and:

- be weather and windproof and designed for commercial outdoor use; table tops must have non reflective surfaces
- should not be of plastic
- have no sharp edges, hinges or moving parts likely to cut, tear, pinch or otherwise harm users or pedestrians
- not have chair legs extending at angles likely to cause a potential tripping hazard
- carry fittings designed to protect the footpath
- must remain within the *Trading Zone* and be removed at the close of business each day
- must be of uniform design and style within an individual Roadside (Kerbside Dining) Trading area
- must not encroach upon the *Pedestrian Zone* or extend beyond the *Trading Zone*
- must not be shifted or moved by patrons to obstruct pedestrians.

Screens and awnings

Screens and awnings help define a kerbside dining area and contribute to patron comfort and safety. They must be structurally sound and adequately anchored, yet not diminish the streetscape or public space or create a tripping hazard. Screens and awnings must be maintained to proper levels of safety and be of a colour that is complementary to the surrounding amenity.

Screens:

- Dimensions should not exceed a maximum height of 0.8 metres and a maximum length of 5 metres.
- Type, design and material are subject to approval based upon the individual merits of each application.

Awnings:

- May be free standing where footpath width is 8 metres or more and there is no adequate shelter from existing awnings or trees. Such awnings *are not permitted* where a building awning is already in place at typical ground floor height (2.8 – 3.8 metres above ground) and covers most of the footpath.
- May be fixed and mounted to buildings where there is no canopy at typical ground floor height. Fixed awnings must not:
 - Ø project more than 2.4 metres beyond the street alignment,
 - Ø exceed the reach of adjacent building canopies,
 - Ø be less than 0.75 metre from the kerb line
 - Ø be less than 2.4 metres above footpath level.

A Building Permit is needed for fixed awnings.

Ancillary equipment

Installation of ancillary equipment (umbrellas, heaters, pot plants, etc.) in a *Trading Zone* will not be permitted unless café furniture has also been approved. Ancillary

equipment must be covered by Public Liability Insurance and shown on a plan submitted with the permit application.

Planter boxes

Planter boxes and the choice of plants can enhance kerbside dining areas and the streetscape generally.

Individual planter boxes should not exceed 1.8 metres in length or be more than 1 metre in height, including plants. Metal or terracotta planter boxes are preferred, should be easily removable and not damage the footpath. Plants are to be maintained in a healthy condition, pruned to meet the height limit and replaced immediately when they die.

Planter boxes are to be kept free of cigarette butts and other rubbish.

Umbrellas

Umbrellas should be used only where there is no shelter from verandahs, awnings or trees. Market umbrellas, not beach umbrellas, are suitable for use and must be a minimum of 2.1 metres above the ground at their lowest point and not extend beyond the limits of the *Trading Zone* in width.

They must be securely anchored at all times, closed or removed in windy conditions and removed and stored at the close of business each day. Fixtures or anchor points that penetrate the footpath are not permitted unless a Road Reserve Works Permit has been granted.

Heaters

Heaters may be fixed and attached above the footpath to a verandah or awning or be free standing to the satisfaction of Council. In all cases, heaters must comply with Australian Standards as the safety of people and buildings is paramount.

Free-standing heaters must be stable and capable of automatically shutting down if overturned. Free-standing heaters must also be located within the *Trading Zone* and removed and stored at close of business each day.

Where a *Trading Zone* is narrow, free-standing heaters may not be permitted.

Permit holders are encouraged to monitor heater use to avoid wasting energy and adding to greenhouse emissions.

Lighting

For kerbside dining areas to operate beyond daylight, adequate lighting must be provided to ensure the safety and amenity of patrons and the general public. Lighting is to be attached to the principal business and, if comprising directional spotlights, focused away from adjoining businesses and residential areas. Directional spotlights must not be focused in a manner that, either by general radiance or specific aim, would cause any risk or detriment to the safety of motorists or their passengers.

Advertising

While advertising can bring vitality and colour to business and dining areas it can also be strident and intrusive. Advertising should complement the streetscape to Council's satisfaction, be acceptable to the pedestrian environment and integral to equipment design.

Advertising may appear on umbrellas and the external surfaces of screens within *Trading Zones* but not on other items of furniture; it should not exceed **10 per cent** of the total combined surface area of those items.

Advertising should reflect the corporate logo or business identity and/or products central to the nature of business, such as coffee or alcohol products.

The total advertising area for the principal business **and** kerbside dining facility must not exceed 8 square metres without a *planning permit*. A-frames may be permitted in kerbside dining facilities subject to the availability of space.

7. Operation and management

The responsibilities associated with roadside trading are diverse. Some fall to the Council, some to permit holders and still others may be shared. For instance, management of the street, public space and the efficient processing of applications are Council responsibilities. The effective management of kerbside dining areas and sale of roadside merchandise falls to permit holders, while matters of education, policy and permit compliance are shared responsibilities.

Permit holders are also encouraged to consider environmental issues. Significant benefits to environmental sustainability can accrue from effective heater management, adopting pro-active waste management practices and minimising the use of disposable packaging in public space.

Cleanliness

Kerbside dining facilities must be maintained to a high level of cleanliness by promptly removing food waste, paper, cigarette butts, fallen leaves or other debris. Tables are to be kept clean, particularly from bird droppings, as are screens, awnings, umbrellas and chairs. Ashtrays for outdoor dining areas must be windproof, portable and regularly emptied. Cigarette butts and litter must not be swept into drains and gutters.

The use of crockery and glassware in footpath dining areas is encouraged to help minimise the creation of waste and litter, set a professional tone and underpin Council's sustainability policies. The use of plastic and/or polystyrene cups/containers is discouraged. Prompt staff attention to cleaning tables and surrounds not only enhances business reputation and the image of kerbside dining, but generates a welcoming ambience and underpins feelings of public safety.

Graffiti, or other forms of disfigurement to kerbside dining facilities, should be removed within 48 hours by permit holders; who are encouraged to report the nuisance to the local Graffiti Project Committee.

Council will fulfill its role by ensuring that streets are cleaned and bins emptied to assist roadside trading and dining areas to look attractive at all times.

Patron behaviour

Permit holders must ensure patrons behave in an orderly manner and do not disrupt others. Patrons are not to move tables and chairs, clothing racks and merchandise or allow pets, prams, bicycles, scooters, shopping jeeps or other personal items to interfere with movement on the *Pedestrian, Access or Kerb Zones*.

In consideration of patrons and nearby residents, entertainment in roadside trading areas is not permitted. Entertainment includes spruiking, touting, amplified or piped music or sound from any other form of audio equipment or other un-amplified noise which is loud or offensive.

Food preparation

Preparation, cooking and the display of food is not to occur in a kerbside dining area; food may only be prepared and displayed within the principal business. Food may be served in a kerbside dining area. On an occasional basis, and with approval, food may be prepared in a *Trading Zone* for the purpose of promotion or demonstration. (See: Street stalls on page 11)

Tobacco laws – smoking

Tobacco laws permit smoking in an “outdoor dining or drinking area” in Victoria. Specific controls for this activity are contained in the current *Tobacco Act* and the reference guide: *Smoke Free Guide – Licensed Premises and Outdoor Dining and Drinking Areas*. For details visit: www.health.vic.gov.au/tobaccoreforms.htm.

Hours of operation

A kerbside dining area must not operate beyond the hours prescribed for the principal business. No kerbside dining facility can operate between the hours of 11pm and 9am unless situated more than 300 metres from the nearest residence.

Toilet and sanitary facilities

Adding kerbside dining to the principal business is likely to increase the numbers of patrons requiring toilets. The Building Code of Australia specifies toilet numbers for indoor facilities but is silent about outdoor cafés.

To accommodate the needs of staff and potentially increased custom, it may be prudent to install extra toilet facilities, including provision for people with disabilities. The **permits** necessary for a toilet upgrade are shown at *Annexure 1*.

| Seating capacity | Number and ratio of toilets | |
|-------------------------|------------------------------------|--|
| 0 – 20 | No requirements | |
| 21 – 50 | Females | 1 closet pan, 1 washbasin |
| | Males | 1 closet pan, 1 washbasin, 1 urinal |
| 51 – 100 | Females | 2 closet pans, 1 washbasin |
| | Males | 1 closet pan, 1 washbasin, 1 urinal |
| 101 – 200 | Females | 3 closet pans, 2 washbasins |
| | Males | 1 closet pan, 2 washbasins, 2 urinals |
| 201 – 300 | Females | 4 closet pans, 2 washbasins |
| | Males | 2 closet pans, 2 washbasins, 3 urinals |

Source: Part F2 Building Code of Australia adopted by Building Regulations 2006

8. Applications

What traders need to provide

Public liability insurance and indemnity

A local law permit will not be issued unless the applicant is covered by current Public Liability Insurance. Every permit holder is expected to have developed a *Risk Management Plan* to deal with contingencies such as cleaning spillages, broken glass, fallen signs, etc. in order to safeguard clear and secure passage for pedestrians.

Public Liability insurance must be for a minimum amount of \$10 million and meet any claim against the Permit Holder or Council arising from death or injury to any person, or damage to property stemming from anything authorised by the permit.

Evidence of current public liability insurance must accompany every application and cover the period stipulated by the permit.

Application forms

Application forms can be obtained from Council's Community Links or the website: www.yarraranges.vic.gov.au. In the case of a kerbside dining facility where liquor is served, a liquor licence, or variation of licence, and planning permit will be required (*Annexure 1*). Where relevant, evidence of a current liquor licence must accompany the application.

Application fee

This fee covers the processing of applications and is not refundable. Fee scales can be obtained from Council's Community Links or the Council website: www.yarraranges.vic.gov.au. **Charity** and **community groups** are **exempt** from the payment of application and permit fees.

Site plan

A site plan, drawn to scale, and showing the measurements of and between objects in the *Trading Zone* must be provided. It must also show the:

- boundaries of the principal business site
- position of existing buildings on the principal business site
- location of adjoining buildings and their use/s
- location of the proposed merchandise, advertising or kerbside dining area, including the *Pedestrian Zone*, *Kerb Zone* and *Access Zone*, and the **width** of each zone
- width of building frontage
- position of all doorways and service openings
- footpath width from the back of the kerb edge to the building line
- existing street infrastructure: trees, seats, poles, signs, pits, hydrants, parking, etc.
- placement of merchandise, furniture or advertising signs.

Facility layout

If the application is for a kerbside dining area, the proposed layout drawn to a scale of 1:50 accurately showing all proposed screens, tables, chairs, umbrellas, awnings, planter boxes, etc. and the measurements of and between them, must be provided. Pavement furniture or ancillary equipment must not exceed the dimensions of the *Trading Zone*.

Letters of consent

If space from an **adjoining** property is required to increase the size of a proposed kerbside dining facility, letters of consent from the owner *and* occupier of that property must be provided. That consent should be accompanied by proof of current Public Liability Insurance. Similar letters of consent must also be provided by traders with no street level business premises who advertise on A-frames in front of a business owned by another trader.

Planning permits

Applicants for Roadside (Kerbside Dining) Trading permits will fall into one of two categories:

- (a) those already operating an associated café, restaurant or bar and wanting to add a kerbside dining area to their principal business;
- (b) those *without* any café, restaurant or bar wanting to commence a kerbside dining area at the time they establish their café, restaurant or bar.

In the case of (a), applicants must provide the current permit number for their principal business and evidence of maximum patron numbers. In the case of (b), applicants will need to provide copies of the relevant plans and planning permits with the kerbside dining application.

Structures and fixtures

Should any structure need to be fixed to the footpath, evidence of approval must be obtained from Council's Asset Management Department.

Toilet and sanitary requirements

Evidence must be supplied that toilet and sanitary facilities satisfy the Building Code of Australia, meet the requirements of the principal business and are sufficient to accommodate the needs of the kerbside dining area.

(Refer to Table 1 on page 17)

Hours of operation

Written advice of the proposed business hours must be provided. This may form part of an existing planning permit or liquor licence.

Furniture details

Photographs, brochures and/or drawings of chairs, tables, screens, umbrellas, planter boxes, lighting (if operating at night) and awnings are to be supplied with dimensions together with the overall colour scheme.

If awnings or screens are proposed for use, advice outlining their structural soundness and anchoring capability (engineer's design certification or manufacturer's specifications) is to be provided.

Advice about heaters should include whether they are fixed or free standing and comply with safety specifications and Australian Standards.

If there is to be advertising, coloured photographs or detailed graphic design drawings must show the size and location of any logo or message on screens or umbrellas.

Caution: Failure to submit all details mentioned in this section **will** result in a processing delay.

Advertising the application

Council may require applicants to inform adjoining property owners or others who may be affected of an intention to apply for a permit. Written submissions received during the advertising period will be considered and may contribute to the imposition of permit conditions. Advertisements will be at the applicant's cost.

Approval

Council will inform applicants of the outcome of applications as soon as practicable.

Once granted, permit conditions must be complied with.

Note: There are no pro rata fees for these permits

Renewal

Permits, with the exception of those for real estate signs, are renewed annually on October 31. Real estate sign permits are issued for three months only.

At least one month prior to permit expiration an operator/trader will receive a renewal notice requesting:

- the annual renewal fee
- confirmation of continuing Public Liability Insurance for the permit period
- current letters of consent from the owner **and** occupier where kerbside dining occupies space from an adjoining property as well as proof of current public liability insurance for this space
- current letters of consent from the property owner and occupier of premises where A-frames are used to advertise on behalf of a business which has no business frontage
- written advice about any previously undisclosed amendment(s) to permit conditions.

9. Compliance

Penalties

Permits granted under the local law will be accompanied by registration stickers which must be prominently and openly displayed on the front window of the principal business, for any member of the public to examine, to the satisfaction of Council.

Any permit and **endorsed plan** approved under this policy must be available for inspection at any time during trading upon the request of an authorised Council Local Laws officer. Any of the following actions may be taken where trading is in breach of permit conditions, the permit has expired or a permit has never been issued:

- verbal educative warning
- issuance of a Notice to Comply
- service of a penalty infringement for contravening and/or failing to follow the Notice to Comply
- suspension or cancellation of the permit
- removal and/or seizure of all street furniture
- court action.

Where a permit has never been issued, the operator will be given a Permit Application, have his/her full details recorded, and shall remove and store the street furniture until a permit is granted.

In urgent circumstances, street furniture may be seized in accord with the provisions of the *Streets and Roads Local Law 2005*, Part 20 and can be returned to the owner upon payment of a fee, sold, destroyed or given away.⁵

Variation or revocation

A Roadside Trading Permit may be varied or revoked at any time. Generally this action will be taken after pedestrian or parking patterns have been monitored and results reveal that a change is needed in the public interest. If a permit is to be varied or revoked, notice will be given and a period of grace granted before the

⁵ See: Sections 43 – 47, Streets & Roads Local Law, 2005.

variation/revocation becomes effective. In situations where there is risk to public safety, periods of notice will be reduced.

Amendments

All requests to amend a permit must be submitted to the Council in writing and are subject to a processing fee. Amendments may include:

- change of owner/proprietor
- change of trading hours
- changes of furniture style or design
- changes to the manner of heating
- addition of, or changes to umbrellas
- Addition of, or changes to screens
- changes to advertising or graphics
- other variations.

Monitoring

Council officers will regularly monitor and liaise with permit holders to discuss and rectify issues/difficulties relative to the operation of the permit or facility. Advice in writing will be given of any action needed and the time allotted to perform corrective work.

Advisory Information

1. Street stall applications can be obtained from Council’s Community Links. Stalls may be held in either a designated area or an undesignated area. In the latter case, consent in writing will be required from the trader in front of whose premises the stall is to be conducted. The designated areas are sites worked out over time between traders and Community Links and are listed below:

- Healesville: Main Street, outside newsagents/Post Office
- Lilydale: Main Street, outside Olive Tree Shopping Centre
Brice Avenue, Mooroolbark
- Monbulk: Main Street, outside ANZ Bank
- Upwey: Belgrave, outside CBA
Sassafras, Village Green
Upwey, Village Green
- Yarra Junction: Warburton Highway, outside newsagents.
Outside Warburton Post Office and newsagency

2. As stated at page 17, kerbside dining facilities may require the installation of additional **toilet facilities**. That need should be known at the time of the Permit application. If additional facilities are required, the following Council departments may be involved:

- **Planning**)
- **Building**) 1300 368 333
- **Public Health Services**)

Note: Public Health Services will provide information and advice for food businesses regarding the preparation, heating, serving and display of food. It is also involved when an existing septic tank system requires upgrading.

3. For information on liquor licences, contact Consumer Affairs at:

121 Exhibition Street, Melbourne, 3000

Postal address:
GPO Box 123
Melbourne, 3001

Phone: 1300 558 181 or 1300 650 472 Monday to Friday, 9am - 5pm

Website: www.consumer.vic.gov.au/liquor

4. Council’s Community Links are located at:

- 110 River St, Healesville 5965 3502
- 15 Anderson Street, Lilydale 9294 6152
- Corner Main Road & Moores Rd, Monbulk 9756 7677
- 40 Main Street, Upwey 9752 6018
- 2444 Warburton Highway, Yarra Junction 5967 2875